

Congleton, Henry Brooke
Parnell, 1st Baron

Observations on the Irish
Butter Acts

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OBSERVATIONS

ON THE

IRISH BUTTER ACTS.

BY

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SIR HENRY PARNELL, BART. M.P.

LONDON :

PRINTED FOR JAMES RIDGWAY, PICCADILLY,
AND R. MILLIKIN, DUBLIN.

1825.

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LONDON:
PRINTED BY CHARLES WOOD,
Poppin's Court, Fleet Street.

ADVERTISEMENT.

THE following Observations on the Irish Butter Laws were written in consequence of a communication made to me by the Chamber of Commerce of Dublin, of their being desirous to be favoured with my opinion upon the general heads of a Bill to repeal the existing regulations, and provide other regulations in their place.

Although these Observations by no means embrace the whole subject, the publication of them, I conceive, may be of use in removing some very erroneous opinions that are generally entertained on the subject of these laws ;

and which carry with them evidence of their being formed without much reflection upon the policy of these laws, and without any consideration of the interests of all those persons who are engaged in the making of butter.

H. P.

April 26, 1825.

OBSERVATIONS
ON THE
GENERAL HEADS OF A PROPOSED BILL FOR REPEALING
THE
BUTTER ACTS
OF
52 AND 53 GEO. III., AND FOR PROVIDING OTHER REGULATIONS.

CLAUSE I. This clause is to provide for the repeal of the existing Butter Acts *, as being, in the opinion of the Chamber of Commerce of Dublin, "*impolitic in their principles, partial in their operation, and peculiarly injurious to the export trade of Dublin.*"

As these acts certainly are a violation of every sound principle of trade, and of the great principle of civil liberty, that gives to every man a right to dispose of the produce of his industry in the way he likes best, it is a circumstance of great public utility, and one that will serve on

* For the regulations of the existing laws, see the Memorial of the Queen's County, infra, p. 36.

the present, and on similar occasions, as a most valuable example, to have the Chamber of Commerce of Dublin taking the lead in sustaining, by their authority as practical men of business, those great principles, which in no instance are ever departed from in the smallest degree, on the convenient excuse of justifiable exception, without certain injury to great bodies of industrious individuals, and to the public at large.

Clause II. This clause is to provide, that, "In order to facilitate the dealings, and promote the mutual convenience and common advantage of the buyers and sellers of butter, a sworn officer, or sworn officers, of approved judgment in the article, be appointed to cities, towns, and places of exportation in Ireland, where such an appointment may be necessary. The duties to be limited to the examining, weighing, and taring, the casks, and to the proving and marking (so as to admit of the marks being effaced, with chalk for instance) the quality of the butter publicly exposed for sale in the weigh houses. After the performance of these operations, the butter to be at the uncontrolled disposal of the owner, who shall be at liberty to sell or export it with such brands or marks, and to do with it in all other respects as he may think fit."

In order to make fully intelligible what my opinion is in respect of the objects of this clause,

I feel it to be necessary to take a general view of the whole question of the policy of regulating the butter trade of Ireland by legislative provisions ; and I shall therefore proceed to examine it in its details ; a course that I trust may prove of use in case the Chamber of Commerce be called upon by other commercial bodies to continue to support the existing system.

The subject to be inquired into consists of three parts :—

First, The selling of butter by the makers of it to the first buyers, who sell it again in Ireland.

Secondly, The selling of butter by the first buyers to the merchants at the sea-ports for exportation.

Thirdly, The selling of butter by the Irish exporting merchants to the English and foreign buyers.

Part I. The buyers of butter, and the exporting merchants, have been the authors of all the existing regulations. They have not been so blind to their own interests as not very well to comprehend, that regulations to control the makers of butter would serve those interests.

The other party in the trade, namely, the makers of butter, have not, as it is well known, ever required, or assented to, these regulations ; and although they compose by far the greatest

portion of the trade, and although their interests are most peculiarly affected by the regulations, they have been passed by, as if they did not exist, and no kind of consideration has been given to the practical influence of these regulations upon their concerns.

Under such circumstances as these it is that the buyers of butter have invented the following theory, as the foundation of the policy of their legislative regulations.

1. They say, the makers of butter are very poor, and therefore very ignorant ; and therefore disposed to practise all kinds of frauds in the making and packing of butter.

2. They say, that this disposition to commit frauds will, if not controlled, be attended with great loss to the buyers, and will injure the character of Irish butter in England, and other countries.

3. And lastly they say, that no other means exist for guarding against frauds, but having sworn officers to examine the make of the casks, to brand the tares of them, to weigh the butter, and finally to declare, after tasting each cask, the quality of it.

The buyers were successful in persuading chief secretaries of lord lieutenants and members of parliament to believe and adopt this theory ; and also in persuading them to pass acts

of parliament to give it effect, without ever calling upon the buyers to produce any proof of the facts on which their theory was founded ; and without ever taking into their view the interests of the thousands of farmers, the makers of butter, that were essentially involved in the question.

Now it is quite clear, that if the buyers, when they first proposed regulations of the trade, had been called upon to prove their case, they would have failed in being able to prove it.

In the first place, a very poor man cannot be a maker of butter : the butter maker must have a cow ; and he must have a farm for his cow, and for his other purposes, of at least five acres of tolerably good land ; and, therefore, the farmer who is able to make butter is in a condition very much above the poorest, and consequently the most ignorant classes of the people.

With this property, and this superiority of condition, such a person will possess a certain degree of intelligence, and will not evidently be so deficient in understanding, and so great a dupe, as to commit frauds through sheer ignorance of the inevitable consequences of committing them, namely, certain injury to himself.

But this hypothetical case of the universal poverty and fraud of the makers of butter could have been most completely exposed by showing,

that by far the greatest part of the butter made in Ireland is made by farmers, who occupy large tracts of land, and who are a very intelligent class of men; and also, that, in point of fact, there never was such a state of things in existence as that state which the buyers asserted to exist, in order to serve their purpose of obtaining regulations to control the makers of butter.

In the next place, let it be supposed, for the sake of the argument, that there had been some foundation for the charge made against the makers of butter of fraudulent conduct; the authors of the regulations, if they had been put to the necessity of proving their case, must have failed in proving that the buyers could practically, in any way, be protected from loss by the intervention of sworn officers.

A buyer of butter is a person, whose whole life is occupied in the business of making bargains for the purpose of securing the fair profits of his trade. He becomes, therefore, necessarily, so thoroughly well acquainted with the practices of the makers of butter, as to be able effectually to protect himself from imposition; but more especially from that continued series of successful impositions, which must be successively carried on against him, to make his trade a losing trade. The buyer thus, by his education and long experience, is enabled to ascertain the make of a

cask, the tare of it, and the weight and quality of the butter contained in it, without incurring the slightest risk of falling into such a habit of committing errors as to incur a loss, when he might have made a profit; and, therefore, it is very palpably a work of supererogation to enact legislative regulations to protect a buyer of butter from the fraudulent attempts of those who may endeavour to cheat him.

In the third place, supposing again, for the sake of the argument, that the buyer really was incapable of protecting himself from the frauds of the sellers; the authors of the system of regulations must have failed in proving, that the appointing of a public officer to tare, weigh, and taste, could be of any advantage to him.

This officer never is a regular bred butter maker, or butter buyer; and, therefore, from the actual circumstances of the case, he must be in every respect much less capable of understanding the business of taring, weighing, and tasting, than the buyer himself is.

Then, in addition to this deficiency, the nature of the emoluments of the office cause, of necessity, a selection of persons to fill it of little or no education, and of still less independence of mind or habits; and therefore these most essential qualities for the proper discharging of the

duty to be performed being wanting, the manner of discharging it cannot, by any possibility, be of any sort of legitimate advantage to the buyer. That the buyer may derive an illicit benefit is evident, namely, by bribing the officer, and thus obtaining from him partial judgments, at the loss of the maker of the butter.

If, when the authors of the regulations first proposed them, they had been called upon to state some acknowledged *principle of trade* to justify their theory, they could not have produced one; because the only principle, which is allowed, universally, to be a sound principle of trade in the business of selling and buying is, that "people ought always to be trusted with the care of their own interest:" the reason of this principle being, "that people in their local situations must be able to judge better of what their own interest is, whether as sellers or buyers, than the legislature can do *."

If the authors of the regulations had then been desired to turn their attention to those principles of civil liberty that belong to the case, and had been called upon to justify the violation of the natural right of the makers of butter, to dispose of their butter in the way they liked best, by compelling them to sell it for a price dependent on the judgment of a public officer, they never could have

* *Wealth of Nations*, vol. ii, p. 303.

established any such justification of their plan: "To hurt in any degree the interest of one order of citizens," says Adam Smith, "for no other purpose but to promote that of some other, is evidently contrary to justice*." And then the only way by which the buyers could have excused this violation would have been by proving, that the general good of the whole community, which would arise from the regulations, would be so evident and so great as to make it fit and proper, on the principle of *salus populi suprema lex*, to sacrifice the interests of the makers of butter for the purpose of promoting the more general interests of the public: but this proof they never could have given.

It is further to be remarked, that the interests of the makers of butter are not only invaded in the abstract by the regulations, but injured in detail in various ways.

In the natural course of business, the maker of a commodity, who wishes to sell it, meets the buyer, closes a bargain, hands over the commodity sold, and receives his money.

But when this course is interrupted by legislative regulations, then loss of time, additional charges, vexations, injuries, oppressions, and abuses commence, and, in a greater or less degree, accompany the whole progress of the

* Wealth of Nations, vol. ii, p. 504.

complicated dealings that are the result of them.

If what has already been stated, shall by any person be considered to fall short, in making out a case to prove the impolicy of regulations, still it may be shown that they are unnecessary, by an examination of those motives which universally influence men, who apply their industry to the producing of commodities for the purpose of making profit, and earning a livelihood by the sale of them.

The policy of regulations is to prevent fraud ; but the application of such a policy is unnecessary, because it never can be the interest of the producer of commodities to commit fraud on principle, and in the gross ; his profit depends upon the price he receives for his commodities ; not upon the price of a few of them, but upon the price of all his commodities : his interest, therefore, leads him to secure, by every means in his power, a quick and regular sale — to discover buyers who give fair prices, and have constant demands. But this object he cannot accomplish by any other means than by establishing a character for good work and honest conduct ; because the moment he commits a fraud he loses, of necessity, the confidence of the buyer, he loses his market, and consequently his profit.

The rule which the authors of the butter

regulations have induced the legislature to adopt as their guide is, that fraud is the best policy ; in defiance of all customary notions, and in defiance of all private motives of human conduct.

And it is plainly in consequence of the legislature having acted on this perverted rule of trade and morals, that the butter trade of Ireland presents, at this moment, in all directions, such numerous cases of hardships, losses, and frauds.

Part II. I now come to the second part of the subject of these Observations, namely, the selling of butter by the first buyers of it, to the merchants at the ports, for exportation.

The second clause of the proposed bill has for its object, "*to facilitate the dealings, and promote the mutual convenience and common advantage, of the buyers and sellers of butter,*" by certain regulations, for weighing, taring, and tasting at the ports.

In the first place I beg to remark, that the whole of the foregoing reasoning is just as applicable to the policy of regulating dealings of this kind, as to the first dealings in the country markets ; and, therefore, I certainly consider these proposed regulations as contrary to sound principles, as unnecessary, and in every way as inexpedient.

In respect to any particular practical advantages to be derived from them, I beg to ask what evidence can be produced to prove, that they will in any degree facilitate dealings, promote the convenience of buyers and sellers, or be of any use to the trade or to the public ?

As to facilitating dealings, I conclude that the theory on which these regulations is founded is, that if casks of butter go through the process of examination by a sworn officer, who is to brand upon them the weight, tare, and quality, the merchant will be able, safely, to buy them without further examination, and merely on view and count of the number of casks, and their brands.

If this be the true meaning of the plan, I next beg to ask, why should the merchant be relieved by act of parliament from the trouble of going through the business of examining and ascertaining the value of the butter, which, in the course of his trade, and for the sake of his own profit, he has occasion to buy ?

The practical effect of a law of this kind must obviously be to derange the whole course of fair and regular trade.

If no such law existed, the merchant would always, necessarily, be a person who had received a regular training and education in his

business ; and he would himself be obliged to examine or superintend the examining of the butter that he bought.

But when the law provides a public officer to do this business, any man may become a butter merchant. He may sit in his counting-house, and never look at a cask of butter ; and he may be wholly ignorant of the trade ; for he will be able to depend upon the brands of the officer in making his purchases, if he take due and well-known precautions in gaining him over to be his friend.

As to the brands of the officer being of any effect in any other way, or to any other kind of merchants, it would be to betray a very great degree of ignorance of human nature to say they could be.

The theory of those persons, who maintain that they will be of use, must be, that all sworn officers will be honest and intelligent, and therefore, that their brands will facilitate dealings, and promote the mutual convenience of buyers and sellers. But no facts can be produced in evidence, to show that there exists any reason to warrant such a conclusion. While, on the contrary, constant and uniform facts abound in all cases of legislative regulations, when enforced by public officers, to prove that there exist

the best reasons for coming to the opposite conclusion ; namely, that the officers will not be intelligent or honest, and consequently, that their brands will be of no value whatsoever.

Then I beg further to ask, is it under all circumstances possible that such a case can be established as will prove, that so great a general public good will arise from these proposed new regulations, as will justify the violation of the natural right of the sellers of butter in the Irish ports to sell their butter without being compelled to have it weighed, tared, and tasted by a public officer?

Such regulations must be accompanied with loss of time, and additional charges, and they may possibly be accompanied with great vexations, corrupt decisions, and loss.

If Mr. A., a butter buyer, living in the country, wants to sell 1000 casks of butter, and Mr. B. of Dublin wants to buy 1000 casks, and is willing to give Mr. A. an order to send that number of casks to his stores in Dublin, subject to his own examination ; why should Mr. A. be compelled to take these 1000 casks to a public weigh-house in Dublin, and to submit to have them undergo an examination by a public officer ?

The going to the weigh-house will increase the distance of carriage ; the process of examination will occupy time ; it will add to charges ; the

butter may be injured ; the officer may be negligent or ignorant ; and he may be corrupt ; and after all, the examination, in the nature of things, cannot be so complete, or so satisfactory to either Mr. A. or Mr. B., as if it had been made by themselves, or by their own servants, on their own premises.

Clauses 3, 4, and 5. These are to provide for the appointing of officers, and appear to be fit for the purpose, if officers are to be appointed.

Clause 6. This clause is to provide "That it shall not be lawful for the officers (under a penalty of ten shillings per cask) to weigh, taste, or mark butter, except in casks made of good seasoned white oak, ash, sycamore, or beech, pursuant to the 14th section of 52 Geo. III ; and except in casks not exceeding the following dimensions ; length of stave nineteen inches, heads and bottom thirteen inches, bulge fifteen inches."

This regulation is founded on the facts, that some sorts of wood are better than others for casks, and that small casks are more fit for preserving butter than large ones. But, although these are indisputable facts, there appears to be no reason for supposing that casks will be made of bad timber, and of too large a size, unless an act of parliament be passed to require certain

kinds of wood to be used, and a certain size of cask to be made.

The mere circumstance, of every one agreeing in opinion as to these facts, is sufficient to show, that if no legislative interference take place, the principle of private interest, and of making profit, will secure the use of proper casks.

The private regulations of the buyers can to a certainty govern the makers of butter, if the buyers are capable of acting on a public principle, and will co-operate in enforcing by their own powers of selecting butter such regulations as are evidently beneficial both to makers and buyers. If they will not act in this manner for their own interest, then they are not deserving of any favour from the legislature, and the business should be left to settle itself, through the operation of mutual inconvenience and loss.

There is no regulation respecting the size of casks for beef or pork in Ireland, or respecting the size of butter casks in Westmorland, Cumberland, Yorkshire, or Dorsetshire, where large quantities of butter are made, or for oyster barrels at Colchester; nevertheless the size of these casks and barrels, in each of these instances, is just that size which is most suitable to its purpose.

In a poor and backward country like Ireland,

there naturally exist great obstacles in the way of all improvements ; but if private interest will not help them on, legislative regulations, in one way or other, will inevitably be evaded. Ireland is full of illustrations of the truth of this doctrine : and nothing but time, education in the best modes of doing business, and practical suffering and injury, will bring things to a perfect state.

If the small casks now in use are better than large ones, they will still be used, although the existing law be repealed. The smaller comparative price of large casks, may tempt some makers of butter to use them ; but if the butter be less valuable because it be packed in a large cask, the price given for it will be less ; and then there will be no gain by paying a smaller price for the cask ; and in this way and for this reason the matter will soon adjust itself to the advantage of all parties.

I have now stated the reasons that induce me to be of opinion, that the proposed new regulations are unnecessary. They are clearly, in their principles, contrary to a sound policy of trade. They cannot facilitate fair trade, or promote the convenience of merchants who are acquainted with their business, and not above attending to it. They can have no other practical effect, but to add to charges, harass the

maker and seller of butter, and all fair buyers, and to impede fair trade ; and therefore there can exist no justification or even an apology for departing from the general rule, of leaving to the people engaged in the butter trade the care of their own interest.

As, however, some attempts may be made to commit fraud, the law should provide an effectual punishment, on the principle of giving ample damages to the party aggrieved for any attempt to practise fraud, or for a fraud successfully committed ; and this may be done by allowing him to proceed against the offender in the civil bill court, at the quarter sessions ; and by making the damages for an attempt to commit fraud five pounds a cask, and for each fraud actually committed ten pounds on each cask.

It would also be proper to provide, that, in all butter markets, weigh-houses and officers should be continued, to be ready for the use of all those persons who may think proper to employ them, and that for this service a liberal reward should be paid.

Part III. The selling of butter by the Irish exporting merchants to the English and foreign buyers.

The regulations of the acts of the 52d and 53d Geo. III, have not only failed to produce any

public benefit in respect of the export branch of the trade, but have been the immediate cause of a most extensive and disgraceful system of fraud.

Had those members of the government and those members of parliament, who passed these acts, taken the trouble of making some inquiries as to the probable operation of them on the export trade, they might have found reasons for declining to countenance them. It would have been well if they had inquired, whether these laws would not lead to merchants employing country agents to buy up butter of second and third quality, in order that, by marking it with fraudulent brands, they might export it as butter of first quality. Also if they had inquired whether these laws, by holding out a temptation to adopt such practices, would not drive fair merchants out of the butter exporting trade; and in the end injure the character of Irish butter in the English and foreign markets. Because, in reality, these things have actually come to pass. A new class of merchants have got possession of a great part of the export trade of butter at Dublin, Waterford, and other Irish ports. It is said that these merchants buy up butter of second and third quality, in the interior, and then export it with brands of first quality; and English and foreign buyers complain that they have been greatly imposed upon, and that the cha-

racter of Irish butter is so much injured, as to give a great advantage to the Dutch butter.

These facts are asserted to exist by the most respectable Irish and London merchants, and were stated by Mr. Wilson, without being contradicted, in the House of Commons, on the 28th May, 1824, when he moved for leave to bring in a bill for further regulating the butter trade. He said on this occasion, "The necessity of the bill arose out of the extensive frauds that were practised by persons engaged in exporting butter from Ireland ; there was a regular practice of putting false brands and false names on the casks, which had produced great loss to the London importers*. So that, in point of fact, it appears, that the regulations of the butter acts have been productive of no benefit whatever to the trade, but, on the contrary, have driven out of it the old established fair merchants : have set up a new class of persons in their place, and have injured the character of the Irish butter in the English and foreign markets.

The London merchants endeavoured last year to obtain protection against the alleged frauds of the Irish merchants, by the bill above mentioned, which had for its object, to impose heavy penalties on the exporting merchants ; con-

* Hansard's Parliamentary Debates, vol. xi, p. 933.

ceiving, very erroneously, that the same public spirit, that gives effect to penal regulations in England, exists in Ireland. Had they succeeded in carrying this bill, no one acquainted with Ireland can feel a doubt, that the provisions of it would have been wholly inefficient.

The only remedy the London merchants should look to for the evil they suffer, is the restoring of the export trade to what it was in 1812 ; that is, at the period preceding the passing of the act of the 52d of Geo. III. At that time there were no brands, and no regulations for governing the exporting of butter. The London merchant gave his order to the Irish merchant, and purchased the butter he wanted on the responsibility of the Irish merchant ; and such was the upright conduct of the very respectable merchants, who at that time carried on the export trade, that the dealings were perfectly satisfactory to the London importers.

But if it should happen, contrary to all past experience of the policy of leaving trades to themselves, that the Irish merchants should continue to practise frauds, then the London merchants will still have a remedy in their own hands, namely, that of sending over their own agents to purchase butter in the interior of Ireland, and ship it without the intervention of any Irish merchant. As this principle is acted

upon in other branches of trade, with great advantage to the English buyer, and with very peculiar satisfaction to the Irish producer of articles for exportation, the best thing perhaps that could happen, in respect to the butter trade, would be to have this system more generally adopted.

P. S. Since the above observations were received from the press, I have received a letter from the secretary of the Chamber of Commerce of Dublin, by which I find, that the true meaning of one of the clauses of the proposed new bill escaped my notice. It appears by this clause, No. 8, that an option is to be given to the dealers to buy and sell at the public cranes, and according to the act, or not, as they think proper—thus providing two modes, one free, and the other subject to regulations. If such a provision as this be made a part of the new Bill the proposed regulations will not be of any injury to the trade, unless they are brought into operation by the means of some undue influence. It would, however, be much better to have no regulations at all.

H. P.

May 3, 1825.

APPENDIX.

COPIES OF ALL MEMORIALS

PRESENTED

TO THE TREASURY, OR THE BOARD OF TRADE, RESPECTING
THE BUTTER TRADE OF IRELAND,

Since January 1, 1824.

Printed by the order of the House of Commons.

I.

*To the Lords of the Privy Council for Foreign
Trade.*

The Memorial of the Undersigned,

Respectfully sheweth,

THAT your Memorialists reside in a town (Carlow) and county long famous for the quantity and excellent quality of its butter, which has been exported for years to the London, Liverpool, and foreign markets, from the city of Waterford ; that owing to the present vexatious regulations of the Butter Act, your Memorialists are unable to ship their butter at the port of Dublin without its being subject to re-opening, re-inspecting, weighing, branding, &c., although it has regularly undergone all this process according to law at the public crane of Carlow ; your Memorialists submit, that this great injury to the butter,

and serious delay to the trade, together with the very heavy expense attendant (nearly 2s. per cwt.), loudly call for redress ; Dublin being the natural port of our export, where freight, insurance, and exchange are so favourable, and the carriers of our butter would have the certain advantage of loading from the metropolis in return.

Your Memorialists therefore humbly pray for such alteration in the system as in your judgment may seem meet, to remove so great and inconsistent an evil.

(Signed) Samuel Haughton, jun., Wm. Morris,
 John Coffry, jun., Joshua O'Brien,
 William Mangan, Thomas Cox, Thos.
 Maher, Dan. O'Brien.

Carlow, Aug. 28, 1824.

II.

To Sir Henry Parnell, Bart.

The Memorial of the Undersigned Butter Makers,
 assembled at Doonane, in the Queen's county,

Humbly sheweth,

That your Memorialists are considerable sufferers from customs too generally practised in the sale of their butter under the existing law : — That when they bring their butter to market they are not allowed to sell it without the vexatious interference of a butter taster, accompanied by men who knock part of the hoops off, and one of the heads out of their butter casks, thus exposing it to be trampled under foot by the people in a crowded market, to the great injury of the butter, and annoyance

of the maker ; whose unremitting care has been to preserve it in its present state by minute and constant attention in keeping their vessels clean and sweet, on which the excellence of the butter principally depends.

That the taster proceeds to mark their butter too frequently under the influence of a bribe, and in a state little short of intoxication : That the mark so affixed is not according to the merits of the butter, but in proportion to such undue influence, always in favour of the unprincipled maker or purchaser, under whose guidance he acts : That it is a public well-known fact, that the quality of butter made in this part of the Queen's county, and the adjoining neighbourhood of the county of Kilkenny, is superior to the butter made in many other parts of Ireland ; and, therefore, your Memorialists deem themselves unfairly dealt with in having their butter marked in the same class with butter of other places of a decidedly and well-known inferior description.

That it frequently happens that their vessels contain a greater weight of butter than the standard weight limited by law, although their vessels are always made of the usual size ; this overweight is the consequence of superior making and close packing ; but to the serious loss and vexation of your Memorialists, the over-weight is never paid for, but a fine threatened to be inflicted if they complain ; a strange reward for excellence and industry. That undue influence is practised in marking of butter can be proved, by some of the tasters marking as thirds what they had before marked as seconds ; from their irritation on being remonstrated with on the subject of their affixing a mark not proportioned to the qua-

lity of the butter; and also, that the butter marked in many cases as second quality, was afterwards (the mark being effaced by the owner) marked as first quality in another market.

That your Memorialists estimate the general loss on a cask of butter containing an overweight of 4lbs. which at 1s. per lb. would be. £0 4 0

That there is deducted for beamage 4lbs.... 0 4 0

Ditto, for cooperage and cranage,

&c..... 0 0 9

Loss on each cask..... £0 8 9

in addition to 2s. 6d. paid for the butter cask.

Your Memorialists, therefore, humbly pray your mediation in the ensuing Session of Parliament; and also that you will be pleased to lay their case before the Board of Trade, praying that the law on the butter trade may be repealed: That in case of any new law on the subject, *the size, and not the weight*, of the casks may be limited by law: That coopers be bound, under a certain penalty, to make butter casks only of seasoned timber, to be pickle proof; and that they brand their name and weight of the cask on each vessel when properly soaked, making them accountable for the weight so marked; and that it be made felony for any person to affix the weight of, or mark any name on any cask but his own: *And that the sale of butter be left, like other articles, to be dealt for by the buyer and seller, unshackled by the interference of any third person:* That butter be weighed standing beam, and an allowance of 2lbs. to each cask be made by the seller to make weight.

Your Memorialists beg to suggest the following dimensions for butter casks as a convenient size:

	Ft. In.
Length of the stave.....	1 8
Circumference at the ends, measuring round the hoops	3 7
Circumference at the bung, measuring round the hoops.....	3 11

Your Memorialists beg to state, as a matter of further information, that a difference of 7s. is made between butter marked first and second class, when it is certain that no difference existed except the mark affixed by the taster, and that a further decrease of price, proportioned to the depreciating mark, is always attendant on every cask. Dated this 11th January, 1825.

David Campion, Patt Purcell, William Keefe, John Edge, John Brennan, Fanton Campion, Denis Keefe, Thos. Kelly, Denis Brennan, Thos. Brennan, Denis Mulhall, Francis Dunne, Nicholas Mulhall, Laughlin Fleming, Gerald Brennan, Nichs. Haly, Michl. Canlan, William Grundy, James Donnelly, Saml. Bergin, Thos. Donnelly, James Delany, Pat. Haly, John Donnelly, Robt. Holbery, Wm. Farrell, James Wall, Thos. Holbery, John Sixsmith, Wm. Kavanagh, John O'Neale, Andw. M'Cann, Edwd. Felly, Edward Mulhall, John Brennan, John Dawking, Pat. M'Donald, Alex. Donnelly, John Delay, Pat. Brenan, Wm. Wallace, Thos. Kenedy, James Conway, Edwd. White.

III.

To the Lords of the Privy Council for Trade.

The Memorial of the Undersigned Butter Merchants in the towns of Mountmelick, Mountrath, and Timahoe, in the Queen's county, Ireland,

Respectfully sheweth,

That your Memorialists reside in a county which annually produces a great quantity of butter of excellent quality, that has been principally exported for years past to the London, Liverpool, and foreign markets, from the port of Waterford; that owing to the present vexatious regulations of the Butter Act, your Memorialists are unable to ship their butter at the port of Dublin without its being subject to re-opening, re-inspection, weighing, branding, &c., although it has regularly undergone all this process, according to law, at the public crane, where it was purchased.

Your Memorialists submit that this great injury to the butter, and serious delay to the trade, together with the heavy expense attendant (nearly 2s. 6d. per cwt.) loudly call for redress; Dublin being the natural port of our export, where freight, insurance, and exchange, are so favourable, and the carriers of our butter would have the certain advantage of loading from the Metropolis in return.

Your Memorialists, therefore, humbly pray for such alteration in the system as in your judgment may seem meet, to remove so great and inconsistent an evil.

(Signed) Anthony Pim & Co. Mountmelick;
Andw. Tynan, Mountrath; Michl.
Quigley, Timahoe; James Pim &
Sons, Mountmelick.

Jan. 25, 1825.

IV.

To the Committee of the Privy Council for Trade.

The Memorial of the Undersigned Proprietors and Occupiers of Land in the Queen's county, concerned in the Butter Trade.

Your Memorialists earnestly claim the attention of your Lordships to an Act of Parliament that was passed in the 52d year of the reign of his late Majesty, entituled, "An Act for the better Regulation of the Butter Trade in Ireland."

Your Memorialists beg leave to represent to your Lordships, that the provisions of this Act are so much opposed to the rights and interests of the makers of butter, by placing their trade under numerous penal regulations, that, in the first year after it was passed, a meeting of the makers of butter, residing in the Queen's county, the county of Carlow, and the county of Kilkenny, was held in the town of Carlow, when a petition to the House of Commons was unanimously agreed to, in which the vexations and grievances imposed upon the trade by this act were set forth in detail, and the repeal of it strongly recommended.

Your Memorialists beg to refer your Lordships to this Petition, which was presented to the House of Commons in the session of the year 1813; and they can safely assure your Lordships, after the experience they have had of the act for twelve years, that all the injurious consequences of the act, which were foretold at that time, have come to pass.

The advocates of the act attempt to justify it by broadly, but unjustly asserting, that the makers of butter

endeavour so systematically and universally to commit frauds upon the buyers, that legislative regulations are absolutely necessary to protect the buyers from being imposed upon, and also to uphold the character of Irish butter in the foreign markets.

But your Memorialists deny that the makers of butter are systematically and universally fraudulent and dishonest; and they will not admit that they deserve to have their character stigmatized so severely as it is by a special measure of the legislature, altogether founded upon the assumption that they carry on their trade on fraudulent principles.

In respect to the buyers of butter, your Memorialists can safely say, that they are a class of men exceedingly acute and alive to their own interests, and not less capable of protecting themselves from being cheated by their own resources, than the buyers of corn, or any other commodity that is exempt from legislative regulation.

The buyers are persons who have been regularly educated to their trade; they gain or lose according as they buy with skill and judgment. They know very accurately and thoroughly all the various ways by which it is possible to practise frauds upon them, and their own interests are always at work in teaching them to be dexterous in contriving means for detecting them; and, therefore, when they are always dealing under the protection of such powerful inducements to defeat the schemes of some few low and ignorant sellers, it shows but little wisdom in those legislators who strive to augment that protection, by doing, by Act of Parliament, those things which the buyers are much better able to do themselves.

Your Memorialists, without at all intending to cast any imputation generally upon the buyers of butter, must, however, say in their own justification, that there exists on the part of the buyers no less a disposition to take advantage of the sellers, than there is said to exist on the part of the sellers a disposition to take advantage of the buyers. This is abundantly proved to be the case by many things that are in constant practice. The buyers having in their favour the whole benefit of the regulations of the Act, and the means of influencing the officers, and the power of taking business from one market and carrying it to another, have introduced and established rules of very great hardship to the sellers. By their influence, a mode of balancing scales has been established that is unfair to the sellers; an unjust beamage has been secured; and exorbitant charges are made by them for carriage and cooperage. To what extent the buyers have the means, and exercise them, of obtaining from weighmasters and tasters the false branding of butter, in respect to weight and quality, your Memorialists will not take it upon themselves to describe; but they do not hesitate to say, that they believe that the general opinion which prevails, that very corrupt practices occur in these respects, is in general well founded.

Your Memorialists have seen, with great satisfaction, the general principle of leaving trades to themselves so frequently of late acted upon by the legislature, and that the most complete success has uniformly attended every measure of this kind; and they now claim, as an act of impartial justice, the application of this principle of the freedom of trade to their own concerns. They trust the legislature will not refuse to repeal a law that is so fla-

grantly at variance with this principle ; that violates the right, which every man is entitled to enjoy, of disposing of the produce of his own time, capital, and labour, in the way that he thinks most beneficial for himself ; a law, that, while it professes to suppress fraud and promote the public good, has created innumerable frauds, and extensive abuses, and has inflicted upon thousands of industrious men the tyranny of private judgment over their affairs, and hung over their heads the constant dread of seizures and penalties.

Your Memorialists assert, without fear of contradiction, that this most unjust and vexatious law was framed wholly for the purpose of serving the interests of the buyers and exporters of butter ; and without the slightest consideration or even recollection of the interests of hundreds of thousands of occupiers of land, who make the immense quantities of butter that are required for internal consumption and foreign exportation.

Your Memorialists are ready to produce evidence before your Lordships, to prove that gross acts of corruption are practised in carrying this act into operation ; that the offices of weighmasters and tasters have been converted into valuable sinecures ; and that the practice is general, of exacting, from the sellers of butter, charges that the act does not allow.

By the first clause of the act, casks can be made only of white oak, ash, sycamore, or beech ; they must be well bound, and made tight, with head and bottom equally dooled and set to the cross with sufficient hoops ; they are to be weighed before they are sold by the cooper, by a weighmaster, and the weight is to be branded by him on each cask ; three pounds is to be added to the weight of each cask for soakage.

Your Memorialists are prepared to prove before your Lordships, that the object of these regulations has been evaded, by weighmasters giving their branding irons to coopers to be used at their discretion, in consideration of sums of money paid by the coopers. As to soakage, the futility and injustice of the regulation is manifest from the fact, that while a cask made of ash will actually soak no more than three pounds, a cask made, according to the act, of beech, will soak from five to six pounds.

By the fifteenth clause of the act, every cask of butter (which is required to weigh eighty-four pounds), when brought to market, is to be taken to a public weigh-house, and there to be tasted, weighed, and proved, by the weighmaster and taster. These officers are then to decide whether or not the butter is merchantable, and to affix their brands, to show the weight and quality of each cask.

Your Memorialists beg to represent to your Lordships, that the sellers of butter suffer great hardships and severe losses in consequence of this regulation, so far as it relates to the weighing of butter. In the large markets, the number of casks frequently is so great, that the sellers are kept standing in the streets waiting for their turn for hours together; their butter wasting, and otherwise injured in hot weather, and themselves, in bad weather, exposed to all its inclemencies; and they are often prevented from returning to their houses till late in the nights of the market days, and sometimes till the following days. In many markets the scales are improperly adjusted, and rules are established by the weighmasters that give the buyers the advantage of overweight; and in almost all market

a beamage is deducted of four pounds on every cask. The practical effect of this unfair system of weighing is, that out of every cask of butter containing about sixty-nine pounds neat of butter, though made up strictly according to the act in every particular, the seller loses the price and value of at least five pounds of butter.

The regulation, by which every cask of butter must be tasted, and the quality of it declared by a public taster, is attended with frauds of every description, and the greatest hardships to the sellers. The taster performs his business in the presence of the buyer; he almost always acts under some unfair influence. Sometimes he is bribed by the sellers, but more frequently by the buyers, who, having a greater command of money, generally secure his services; in the latter case he brands the quality of the butter under his examination, not by the taste of it, but according to some sign made by the buyer.

As both buyers and sellers are necessarily interested in securing his favour, the common treat of spirits is so repeatedly given, that many tasters never commence their business till they are completely intoxicated.

The slightest shade of colour in the butter is made a reason for marking it of second quality, although it may be perfectly sound and sweet, and although it is well known that some pastures will always produce butter that is more or less coloured. The effect of branding butter of second or third quality is at once to lower its price 10s. and 15s. per cwt.; whereas the defect that actually exists often does not diminish its value more than two or three shillings.

This regulation, for having all butter tasted by a public officer, falls with peculiar severity on the poorer class of sellers, who are in all the markets a very numerous class ; they are quite at the mercy of the tasters, in consequence of their necessities compelling them to sell their butter under any circumstances, and the tasters continually take advantage of their situation to mark their butter of second or third quality, when it ought to be marked first or second quality, in order to serve the buyers.

The poorer class of sellers suffer also from the manner in which the weighmasters and tasters throw about their butter when it is stripped for weighing and proving, by which it is often covered with dirt or otherwise injured ; they are also frequently kept waiting very improperly by these officers, and are constantly insulted with very offensive and opprobrious language.

Nothing can more fully expose the inefficacy of this regulation for tasting as a means to ascertain the true quality of butter, than the numerous instances that occur, of butter, when the property of rich farmers, being declared by the taster of one market to be of second quality, and afterwards marked by the taster in another as of first quality.

By the 17th clause of the act, a fee of 2d. is to be paid to the weighmaster, and a fee of 1d. to the taster, for weighing and tasting each cask of butter. But these fees are not paid by the sellers to these officers ; but it is so arranged between the officers and the buyers, that the buyers stop the fees from the sellers when they pay for the butter, and pay them to the officers.

The buyers, however, in place of stopping 3d. a

cask in the markets, with which your Memorialists are acquainted, stop sometimes 11d., sometimes 19d., and sometimes 25d. on each cask, for carriage, cooperage, cranage, and tasting.

This practice not only burthenes the sellers with heavy charges, but it gives the buyers a direct means of corrupting the officers, in consequence of the power they possess of giving to them whatever proportion they please of these stoppages.

Your Memorialists beg to state, that the sellers of butter sustain the following loss on every cask of butter:—

	£	s.	d.
1st, Four pounds deducted for beamage, at			
12d. per pound.....	0	4	0
2d, One pound, on an average, for over-weight, ditto	0	1	0
3d, Stoppages by the buyer, on an average, at.....	0	0	11
	<hr/>		
	0	5	11

This loss of 5s. 11d. upon a cask of butter is equal to a loss of 9s. 5d. on a cwt. ; and, therefore, according to the common calculation, that $2\frac{1}{2}$ acres of land will keep one cow, and that one cow will yield nine stone of butter, the loss to the farmer amounts to 4s. 2d. per acre on every acre of his dairy land.

Your memorialists, having observed in the debates in parliament, that the merchants who export butter from Ireland to England have been guilty of great frauds, by making use of false brands, confidently expect that your Lordships will be of opinion, that no circumstance can more fully prove the impolicy and evil tendency of this Act for regulating the butter trade, than this ex-

posure of the fraudulent practices of the exporting merchants ; because the frauds they have committed originate altogether in the attempt of the Act, to prove the quality of butter by the aid of brands. It is in this way that these brands have turned out practically to be the protection of fraud ; whereas, if no brands existed, the London buyers would be obliged to have recourse to the old and natural ways of learning the quality of butter, and the old and fair exporting merchants might resume the station they filled before this Act passed, in the ports of exportation.

On the whole, the experience your Memorialists have had, during twelve years, of the operation of this Act, warrants them in saying that it has not, in the slightest degree, contributed to any improvement in the making of butter, while, on the contrary, it has led to the following abuses and hardships.

1st. The creating of a multitude of offices, of weighmasters and tasters, with large salaries, drawn from the pockets of the makers of butter.

2dly. The converting of these offices into sinecures.

3dly. Fraudulent practices by weighmasters, in giving their brands for valuable consideration to the coopers.

4thly. Fraudulent practices by weighmasters and tasters, in branding weights and qualities of butter in the markets, for valuable considerations.

5thly. A general system of fraud practised at the ports of exportation by merchants, in using false brands.

6thly. The establishing of rules by the merchants in the markets respecting weighing, beamage, and charges for carriage and cooperage, cranage and tasting, which could never have been established if the markets were free from regulation, and easy of access to new buyers.

7thly. The monstrous and unjustifiable violation of

that most essential principle for the prosperity of all trades, the principle of security of property ; by giving to public tasters of butter the power of fixing, by their own arbitrary judgment, the value of every man's casks of butter.

Your Memorialists claim for their trade the same liberty that is now allowed so wisely by parliament to all other trades. They confidently say, that the interests of the makers of butter are the best, and in point of fact the only security for the honest manufacturing and packing of butter ; and that the butter merchants stand in need of no other aid, besides that which they acquire from education and practice, to enable them to weigh and taste, and otherwise ascertain the quality and value of a cask of butter, in such a manner as effectually to protect themselves from every kind of fraud.

Your Memorialists submit to your Lordships, that that principle of commercial policy on which acts of parliament have heretofore been passed for regulating trades, has now been fully exposed, as being contrary in point of practice to the public welfare, most vexatious to individuals, and always accompanied by gross abuses in creating offices and exacting fees.

Your Memorialists see, with great satisfaction, that, in the present times, no minister or public man, of any station, is allowed to have the reputation of understanding the true practical principles of trade, who still clings to those ancient and ignorant notions, on which all regulating laws are founded.

They are aware, that those persons who now enjoy pecuniary emoluments under the butter acts, and those merchants who have successfully converted them into a means of making good bargains, will endeavour to maintain that the butter trade of Ireland ought to be made

an exception, and taken out of the rule that establishes the policy of the general freedom of trade; but your Memorialists have full confidence in your Lordships not allowing this plea to have any greater weight than similar pleas have of late been allowed to have, when contests have arisen between those whose trades and rights suffer under regulations, and those who put money into their pockets by enforcing them. The buying and selling of butter is no more a mystery than the buying and selling of corn or cattle.

The respective parties to every bargain are quite competent to take care of themselves, without legislative interference; while on the other hand, all legislative interference always gives one party some advantage over the other party, and by adding to the costs of production, and fettering competition, it must certainly operate to the detriment of the public.

Your Memorialists therefore pray, that your Lordships will be pleased to examine into the state of the butter trade of Ireland, and to recommend to Parliament such alterations of the law as may appear to be expedient and just, for removing the restrictions that now obstruct its progress and prosperity.

(Signed) Portarlington, De Vesci, J. R. Price,
 H. Parnell, John Steele, Robt. Lawrence, Arthur Vesey, Thos. Cosby,
 J. D. Clarke, John Kelly, W. Cooper,
 John Cohill, Pat. Dugan, W. Kenedy,
 Wm. Fleming, Wm. Green, John Boulton, John Brennan, John Coogan,
 John Edge, John W. Dunne, J. Hume,
 John Campion, Geo. Clarke, Joseph Dunne, Wm. Luttrell, Edw. Luttrell.

PETITION FROM DUNDALK,

RESPECTING

THE BUTTER TRADE.

A Petition presented to the House of Commons, April 19, 1825, of the there-undersigned merchants of the town of *Dundalk*, setting forth, That the Petitioners have learned with much satisfaction, that a Bill has been introduced into the House for the repeal of the Act passed in 1812, intituled, An Act for the better regulation of the Butter Trade in *Ireland*; that the Petitioners have witnessed in that port and throughout the interior a great many frauds practised by Coopers, Inspectors, and Weighmasters of Butter, and are satisfied that the said Act, passed in 1812, has not by any means produced the good effect expected to result from it, either in the correction of false weights or supertares, or improvement of qualities; that the Petitioners consider the officer of Butter Craner a perfect sinecure, and the emoluments derived therefrom a tax on farmers and dealers, the repeal of which would afford satisfaction and relief to all classes concerned in the Butter trade; that the Petitioners attribute the recent improvement in the qualities of Irish Butter, to the progressively ad-

vancing state of Agriculture in Ireland, and the care and attention of the export merchants, and not on any account owing to the efforts of the officers appointed in the Irish ports, conformable to the said Act of 1812; that the Petitioners conceive that a free trade in Butter, as well as Beef and Pork, and other Irish produce, would increase the export thereof, and give satisfaction to the importers in England and Scotland, as well as to the shippers, farmers, and dealers therein throughout Ireland, with the exception of the persons now employed as craners and inspectors, or those who have such appointments at their disposal; the Petitioners therefore humbly pray, That the present laws for regulating the Butter Trade of Ireland may be repealed, and the regulations under which it has hitherto been conducted wholly removed.

THE END.

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